

AMENDED IN ASSEMBLY APRIL 7, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1344

Introduced by Assembly Member Garcia

February 21, 2003

An act to add and repeal Section 1771.1 to the Labor Code, relating to prevailing wages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1344, as amended, Garcia. Prevailing wages: ~~Community Development Block Grants~~ *exclusions: real property transfers at less than fair market value.*

Existing law generally requires the payment of the prevailing rate of per diem wages and the prevailing rate for holiday and overtime work to employees employed on public work, as defined, that costs more than \$1,000. Existing law also imposes this requirement on projects that receive funding from specified sources, regardless of the cost of that project and regardless of whether that project is a "public work."

This bill would exclude from these prevailing wage requirements any project that is funded in whole or in part pursuant to a ~~Community Development Block Grant~~ *qualified transfer, as defined, by a city, county, or redevelopment agency of qualified real property, as defined, to a nonprofit corporation.* This bill would also repeal this provision on January 1 of the first calendar year that is immediately preceded by a calendar year during which nonfarm employment did not decline for consecutive calendar quarters.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1771.1 is added to the Labor Code, to read:

1771.1. (a) Notwithstanding any other provision of law, if any project is funded in whole or in part pursuant to a ~~Community Development Block Grant~~ *qualified transfer by a city, county, or redevelopment agency of qualified real property to a nonprofit organization*, workers employed on that project are not required to be paid the general prevailing rate of per diem wages for work of a similar character in the locality in which the project is performed, nor the general prevailing rate of per diem wages for holiday and overtime work.

(b) *For purposes of this section:*

(1) *“Affordable housing cost” has the same meaning as specified by Section 50052.5 of the Health and Safety Code, or any successor to that statute.*

(2) *“Persons and families of low and moderate income” has the same meaning as specified in Section 50093 of the Health and Safety Code, or any successor to that statute.*

(3) *“Qualified real property” means a vacant parcel of real property that is zoned for the construction of single or duplex housing units at an affordable housing cost for persons and families of low and moderate income.*

(4) *“Qualified transfer” means a donative transfer or a transfer in which the consideration of the transferee does not exceed one dollar (\$1).*

(c) This section shall cease to be operative and is repealed as of January 1 of the first calendar year that is immediately preceded by a calendar year during which nonfarm employment did not decline for consecutive calendar quarters.